

INTERFERENCE DIGEST

Interference No. 105,222

Paper No. 27

Name: Robert M. Moore et al.

Serial No.: 09/451,319

Patent No.

Title: Preparation of concentrated aqueous bromine solutions and biocidal application thereof

Filed: 11/30/99

Interference with Yang et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, Adverse Dated, 9/29/05

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.

The opinion in support of the decision being entered today is not
binding precedent of the Board.

Paper 59

Filed by:
Trial Section Merits Panel
Mail Stop Interference
P.O. Box 1450
Alexandria VA 22313-1450
Tel: 571-272-9797
Fax: 571-273-0042

Filed 29 September 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

SHUNONG YANG, WILLIAM F. MCCOY,
and
ANTHONY W. DALLMIER
Junior Party ✓
(Patent 6,156,229),

v.

ROBERT M. MOORE
and
CHRISTOPHER J. NALEPA
Senior Party
(Application 09/451,319).

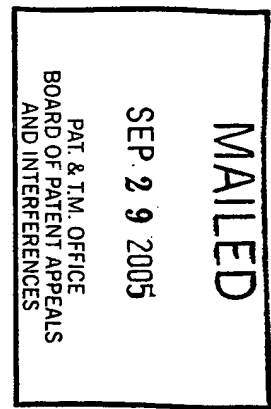
Patent Interference No. 105,223

Before SCHAFER, DELMENDO, and MOORE, Administrative Patent
Judges.

MOORE, Administrative Patent Judge.

Judgment - Bd.R. 127

Panel decisions on motions (Papers 55 and 56) have been
rendered in this interference. All involved claims of both
parties, including the claim defining the count, are



unpatentable. Accordingly, a count cannot be formulated, and it is inappropriate to continue to the priority phase of this interference. Therefore, it is:

ORDERED that judgment as to the subject matter of Count 1 (Paper 1, p. 5) is awarded against both parties;

FURTHER ORDERED that junior party, SHUNONG YANG, WILLIAM F. McCOY, and ANTHONY W. DALLMIER is not entitled to a patent containing Claims 1-20 of patent 6,156,229;

FURTHER ORDERED that senior party, ROBERT M. MOORE and CHRISTOPHER J. NALEPA is not entitled to a patent containing Claims 61-65 of application 09/451,319;

FURTHER ORDERED that a copy of this judgment be made of record in the files of application 09/451,319 and patent 6,156,229; and

FURTHER ORDERED that if there is any settlement agreement which has not been filed, attention shall be directed to 35 U.S.C. § 135(c) and 37 CFR § 41.205.

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|-----------------------------|---|-----------------|
| /Richard E. Schafer/ |) | |
| RICHARD E. SCHAFFER |) | |
| Administrative Patent Judge |) | |
| |) | |
| /Romulo H. Delmendo/ |) | BOARD OF PATENT |
| ROMULO H. DELMENDO |) | |
| Administrative Patent Judge |) | APPEALS AND |
| |) | |
| /James T. Moore/ |) | INTERFERENCES |
| JAMES T. MOORE |) | |
| Administrative Patent Judge |) | |

cc (First class mail):

Attorney for Yang:
GEORGE H. GERTSMAN, ESQ.
SEYFARTH SHAW LLP
55 E. MONROE ST.
SUITE 4200
CHICAGO, IL 60603-5803
Tel: (312) 346-8000
Fax: (312) 269-8869

Attorney for Moore:
JAMES M. OLSEN, ESQ.
GARY A. BRIDGE, ESQ.
CONNOLLY BOVE LODGE & HUTZ LLP
THE NEMOURS BUILDING
1007 NORTH ORANGE ST.
WILMINGTON, DE 19801
Tel: (302) 658-9141
Fax: (302) 658-5614

INTERFERENCE DIGEST

Interference No. 105,223

Paper No. 29

Name: Robert M. Moore et al.

Serial No.: 09/451,319

Patent No.

Title: Preparation of concentrated aqueous bromine solutions and biocidal application thereof

Filed: 11/30/99

Interference with Yang et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION


Board of Patent Appeals and Interferences, Adverse Dated, 9/29/05

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.

The opinion in support of the decision being entered today is not
binding precedent of the Board.

Paper 

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

SHUNONG YANG, WILLIAM F. MCCOY,
and
ANTHONY W. DALLMIER
Junior Party ✓
(Patent 6,423,267 B1),

v.

ROBERT M. MOORE
and
CHRISTOPHER J. NALEPA
Senior Party
(Application 09/451,319).

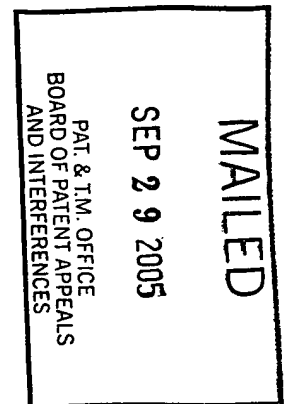
Patent Interference No. 105,222

Before SCHAFFER, DELMENDO, and MOORE, Administrative Patent Judges.

MOORE, Administrative Patent Judge.

Judgment - Bd.R. 127

Panel decisions on motions (Papers 64 and 65) have been rendered in this interference. All involved claims of both parties, including the claim defining the count, are



unpatentable. Accordingly, a count cannot be formulated, and it is inappropriate to continue to the priority phase of this interference. Therefore, it is:

ORDERED that judgment as to the subject matter of Count 1 (Paper 1, p. 5) is awarded against both parties;

FURTHER ORDERED that junior party, SHUNONG YANG, WILLIAM F. McCOY, and ANTHONY W. DALLMIER is not entitled to a patent containing Claims 1-37 of patent 6,423,267 B1;

FURTHER ORDERED that senior party, ROBERT M. MOORE and CHRISTOPHER J. NALEPA is not entitled to a patent containing Claims 61-70 of application 09/451,319;

FURTHER ORDERED that a copy of this judgment be made of record in the files of application 09/451,319 and patent 6,423,267 B1;

FURTHER ORDERED that if there is any settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 41.205.

| | | |
|-----------------------------|---|-----------------|
| <u>/Richard E. Schafer/</u> |) | |
| RICHARD E. SCHAFER |) | |
| Administrative Patent Judge |) | |
| |) | |
| <u>/Romulo H. Delmendo/</u> |) | BOARD OF PATENT |
| ROMULO H. DELMENDO |) | |
| Administrative Patent Judge |) | APPEALS AND |
| |) | |
| <u>/James T. Moore/</u> |) | INTERFERENCES |
| JAMES T. MOORE |) | |
| Administrative Patent Judge |) | |

cc (First class mail):

Attorney for Yang:
GEORGE H. GERTSMAN, ESQ.
SEYFARTH SHAW LLP
55 E. MONROE ST.
SUITE 4200
CHICAGO, IL 60603-5803
Tel: (312) 346-8000
Fax: (312) 269-8869

Attorney for Moore:
JAMES M. OLSEN, ESQ.
GARY A. BRIDGE, ESQ.
CONNOLLY BOVE LODGE & HUTZ LLP
THE NEMOURS BUILDING
1007 NORTH ORANGE ST.
WILMINGTON, DE 19801
Tel: (302) 658-9141
Fax: (302) 658-5614